IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 2816 of 1994

Between:

T. Shankaraiah S/o Sharabhaiah
aged 45 years, R/o Manajipet,

Ghanapuram (M), Mahabubnagar Dist. **..... PETITIONER**

AND

1.Govt. of A.P. rep.by Secretary
Revenue Dept., Secretariat, Hyderabad
2.District Collector, Mahabubnagar.
3.Mandal Revenue Officer,

Ghanapuram (M), Mahaboobnagar Dist. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Mandamus declaring the action of the respondents in levying and collecting the water tax for the period prior to the issuance of the notification under Section 4 of the Andhra Pradesh Water Tax Act viz., 1-7-1992 is illegal, arbitrary and without jurisdiction.

Counsel for the Petitioner: MR.B.ADINARAYANA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

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ORDER: (PER Sri Bilal Nazki, J)

Heard learned Counsel for the parties.

The petitioner is aggrieved of a notice issued by the third respondent on 16-02-1994. He termed the notice as an order of attachment whereas in the counter-affidavit, it has been stated that the notice is only a demand against which, petitioner could have filed the petition. The amount involved in the notice is only Rs.945/- and the case is pending disposal for the last ten years.

Since the respondents have contended that it was not an order of attachment but demand, and the petitioner could show cause against the demand by filing objections before the Mandal Revenue Officer, we dispose of the writ petition by permitting the petitioner to raise objections, if any, to the notice within a period of four weeks from the date of receipt of a copy of this order.

(BILAL NAZKI, J)

1st September, 2004

(S.ANANDA REDDY, J)

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Copy to:

1.The Secretary, Govt. of A.P.,
Revenue Dept., Secretariat, Hyderabad
2.The District Collector, Mahabubnagar.
3.The Mandal Revenue Officer,

Ghanapuram (M), Mahaboobnagar Dist.

4.Two CCs to the G.P. for Revenue,

High Court Buildings, High Court of A.P.,

Hyderabad.(O.U.T)

5.Two CD copies.